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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/612,238 07/02/2003		Tetsujiro Kondo	450100-04655	4979		
	7590 08/01/2007	EXAMINER				
William S. Frommer, Esq. FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151			YENKE, BRIAN P			
			ART UNIT	PAPER NUMBER		
140W 101K, 141	100 101k, 141 10151			2622		
		•				
		•	MAIL DATE	DELIVERY MODE		
			08/01/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application	No.	Applicant(s)				
		10/612,238		KONDO ET AL.				
	Office Action Summary	Examiner		Art Unit				
		BRIAN P. Y		2622				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)⊠	Responsive to communication(s) filed on Ame	endment (22 i	<u>May 07)</u> .					
2a) <u></u> □	This action is FINAL . 2b)⊠ This action is non-final.							
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims				•			
4)⊠	4)⊠ Claim(s) <u>1-4 and 6-18</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.								
6)⊠	6)⊠ Claim(s) <u>all the above</u> is/are rejected.							
• —	Claim(s) is/are objected to.							
8)□	8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers								
9) The specification is objected to by the Examiner.								
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:								
	1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachmen	rt(s)							
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)								
	ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08)		Paper No(s)/Mail Da 5) Notice of Informal P					
	Paper No(s)/Mail Date 6) Other:							

Application/Control Number: 10/612,238 Page 2

Art Unit: 2622

DETAILED ACTION

1. The examiner after further review of the previously indicated objected to/allowable subject matter (previous claim 5), has now rejected the concept of weighting the time spent inputting control command/data. In the TV arts there is an abundance of information pertaining to viewer history/usage, regarding targeting advertisements, customized user display/sound modes in addition to tailoring/customizing one of the many aspects of the video selection/display process. Any inconvenience caused to the applicant is regretted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 13-14 and 16-18 rejected under 35 U.S.C. 102(e) as being anticipated by Yuen, US 7,003,792.

In considering claims 1 and 16-18

a) the claimed processing means for processing the content data is met by Yuen which includes a video source and a source of advertisements which are processed in accordance with a user's viewing habit/profile

Application/Control Number: 10/612,238

Art Unit: 2622

b) the claimed acquisition means...is met where the system uses a smart agent (SA) which

collects information of a user to infer user's preferences and accordingly determine a user profile.

c)-d) the claimed generation means...is met where based upon the content data (video and

advertisement) in accordance with the user information, determines the selection/filtering of such

information to the user (col 53-67).

e) the claimed control command/data input detection...is met where the system includes a viewer

input device 44 which is used by the SA to control the selection/filtering of information.

f-g) the claimed wherein the generation means...is met wherein the SA based upon the user's

selection determines the information that is delivered which can be matched, filtered or selected. Thus if

a user spends more time enter a certain genre of information, the SA will customize the targeting using

such genre (i.e. more weight for more time). By the same token if a user does not spend any time any

particular genre/program/type of material, the system will not weight this material/content as much as

what a user spends time watching/entering.

In considering claims 2-3,

Refer to claim 1 above.

In considering claim 4,

Yuen discloses a user selection via input device 44.

In considering claim 6,

Yuen discloses that based upon a user's viewing habits/profile, will provide the user information

that is matched, filtered or selected based upon such habits/profile. Thus the data/features of video/audio

services will be processed and delivered or not based upon the user's profile.

In considering claim 13,

Refer to claim 1 above.

In considering claim 14,

Yuen discloses a receiver with a memory in addition to the ability to download information (col 2,

line 9-22) meeting the claimed storage means.

Application/Control Number: 10/612,238 Page 4

Art Unit: 2622

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen, US 7,003,792.

In considering claims 7-8,

Yuen does not explicitly recite the the mean/variance of image level in feature detection, although it is known that data can be analyzed in a multitude of way in order to ascertain image quality/content or change, thus the examiner takes "OFFICIAL NOTICE" regarding such.

In considering claims 9-12,

Yuen does not explicitly recite the detection of environmental information (i.e. ambient conditions). However, the concept of altering the viewing experience based upon temperature, time of day etc... are notoriously well known in the art and thus the examiner takes "OFFICIAL NOTICE" regarding such, since the inclusion of such enhances the viewing experience as previously known in the art.

In considering claim 15,

Although Yuen does not explicitly recite removable storage, Yuen does disclose a system which may operate in a computer, television environment wherein it is known to store data on a removeable media, such as a CD, DVD, etc...thus the examiner takes "OFFICIAL NOTICE" regarding such, for the obvious purpose of giving the user added portability/security of such information.

Conclusion

Application/Control Number: 10/612,238 Page 5

Art Unit: 2622

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

Application/Control Number: 10/612,238

Art Unit: 2622

Page 6

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24 July 2007

BRIAN P. YENKE